

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
CALUMET DISTRIBUTION)	CASE NO. 04-60772 JPK
GROUP, INC.)	Chapter 11
Debtor.)	

ORDER DENYING OBJECTION

On August 30, 2006, a document entitled "Official Unsecured Creditors' Committee's Objection to Spangler, Jennings & Dougherty, P.C.'s Second Interim Application for Compensation and Reimbursement of Expenses" was filed of record. This objection relates to the application designated in its title, filed by counsel for the debtor-in-possession on August 7, 2006.

On August 7, 2006, counsel for the debtor-in-possession filed a copy of the notice utilized pursuant to N.D.Ind.L.B.R. B-2002-2(a)(7) to provide notice of the application to creditors and parties-in-interest. The deadline for the filing of an objection was correctly stated in that notice as August 28, 2006, pursuant to N.D.Ind.L.B.R. B-2002-2(b)(2). The notice included the following statement:

If you mail your objection, you must mail it early enough so that it will be received by the date it is due.

The certificate of service attached to the notice establishes that counsel for the Unsecured Creditors' Committee was provided with the notice.

N.D.Ind.L.B.R. B-2002-2(b)(2) is clear: a period of twenty days is provided as notice "of the opportunity to file objections" to motions falling within that sub-paragraph. That rule further states: "the time within which objections may be filed shall be measured from the date notice of the opportunity to object is mailed", which in the instant case is established by the record as August 7, 2006. Thus, to be timely, an objection to the Second Interim Application was due to

be filed with the Court on August 28, 2006.¹

The foregoing objection was filed on August 30, 2006, and was therefore untimely. Moreover, upon the expiration of the August 28, 2006 deadline, the Court entered an order approving the Second Interim Application, a fact which precludes challenging the application by means of an objection.²

IT IS ORDERED that the Official Unsecured Creditors' Committee's objection to Spangler, Jennings & Dougherty, P.C.'s Second Interim Application for Compensation and Reimbursement of Expenses filed on August 30, 2006 is denied.

Dated at Hammond, Indiana on September 7, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
US Trustee
Attorney for Unsecured Creditors' Committee

¹ The Court's rules provide a deadline which is not measured "within a prescribed period after service", as provided by Fed.R.Bankr.P. 9006(f), and therefore the three-day additional period provided by that rule does not apply in this circumstance. Interestingly, on August 28, 2006, counsel for the Unsecured Creditors' Committee filed a Certification with respect to the application for compensation which they had filed on July 27, 2006. Paragraphs 2 and 3 of that Certification acknowledge that the 20-day period is an absolute period.

² If the Unsecured Creditors' Committee wishes to challenge the Court's order, there are procedural mechanisms by which it may do so.